

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.6210 OF 2005

Sanjiv Harishchandrfra More.

...Petitioner.

Vs.

The State of Maharashtra & Ors.

...Respondents.

....

Mr. R. K. Mendadkar for the Petitioner.

Mr.R. D. Rane, GP for Respondent No.1.

Mr. V.G. Mujumdar for Respondent No.2.

.....

**CORAM : F.I. REBELLO, J. AND
DR.D.Y.CHANDRACHUD, J.**

January 9, 2006.

P.C.

Rule. Heard forthwith.

The Petitioner was appointed against a reserved vacancy as belonging to Thakar ST. His appointment was subject to his producing Caste Validity Certificate. The Petitioner's certificate was forwarded to the relevant Committee as then constituted, which rejected the Petitioner's claim by an order dated 15th March 1993. The Petitioner thereafter, had taken out various proceedings including before this Court. Ultimately the Petitioner's Tribe was verified by the relevant Committee by an order dated 17th March 2005. In other words, the Petitioner can now be held as

belonging to Thakar ST.

In the meantime, it appears that DPC met for consideration for promotions. The Petitioner's case was not considered as the Petitioner by then had not produced the Caste Validity Certificate. Considering the above, in our opinion, the ends of justice will be met if the petition can be disposed of by issuing the following directions:

-(i) A Review DPC be constituted to consider the Petitioner's claim along with other candidates who were eligible for consideration and who were promoted by the order dated 20th December 1989.

-(ii) If the Petitioner is eligible, and found suitable for promotion, the Petitioner be promoted and also be considered for all consequential promotions according to law. The Petitioner would be entitled to the deemed date of promotion if selected and all consequential benefits. Back wages would be in terms set out hereafter. The Petitioner, however, be fixed in the pay scale of the promoted posts from the date of deemed promotion with annual

increments and will be allowed to draw arrears of salary from 1st September 2002 as fixed above. It is made clear that if the Petitioner is held to be eligible for promotion, Respondent No.2 to give the Petitioner all other consequential benefits considering his promotions.

Rule made absolute. No order as to costs.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)